

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF OHIO, CANTON DIVISION

IN RE: : CASE NO. 20-60291
: :
CHRISTY J. KEENER, : JUDGE RUSS KENDIG
: :
DEBTOR. : CHAPTER 7

AMENDED MOTION TO VACATE DISCHARGE ORDER

Now comes Debtor, Christy J. Keener, by and through the undersigned counsel and hereby moves this honorable court for an Order temporarily vacating her discharge order for a period of thirty (30) days for the purpose of filing enforceable mortgage reaffirmation agreement, and states as follows:

1. Debtor filed her Chapter 7 bankruptcy case on February 17, 2020.
2. This is an asset case and Trustee Mason is seeking to collect a portion of Debtor's 2019 tax refund.
3. The case remains open.
4. On March 30, 2020, we served the Statement of Intention upon PHH Mortgage and others.
5. Debtor stated her intention to retain the real property at 603 State Route 511, Ashland, Ohio 44805 and to enter into a reaffirmation agreement with PHH Mortgage.
6. The 341 meeting of creditors was held on April 9, 2020.
7. Debtor's counsel's staff began contacting PHH Mortgage to follow-up on the request for reaffirmation agreement for the mortgage on April 9, 2020, and spoke with PHH Mortgage on several occasions thereafter.
8. On several occasions, we were advised that PHH Mortgage employees were working remotely and the reaffirmation agreement had to be requested multiple times within PHH Mortgage.
9. Debtor's counsel received the PHH Mortgage reaffirmation agreement on August 14, 2020 via UPS.
10. Debtor immediately came to the office to sign the reaffirmation agreement.

Rule 60(b) permits relief from a final judgment or order for mistake, inadvertence, surprise, excusable neglect, or any other reason justifying relief. The COVID-19 pandemic constitutes extraordinary circumstances. Through no fault of her own, Debtor was unable to complete the mortgage reaffirmation agreement prior to the discharge.

WHEREFORE, Debtor respectfully requests that this honorable Court issue an Order temporarily vacating the Order of Discharge for a period of thirty days (30) for the purpose of filing enforceable mortgage reaffirmation agreement.

Respectfully submitted,

/s/ Rebecca K. Hockenberry
Rebecca K. Hockenberry (0074930)
Thompson & Hockenberry Co. LPA
371 Lexington Avenue
Mansfield, Ohio 44907
(419) 522-5297
(614) 737-9945 facsimile
rebecca@attyth.com

NOTICE OF AMENDED MOTION TO VACATE DISCHARGE ORDER

Debtor has filed papers with the court requesting to temporarily vacate her discharge order.

Your rights may be affected. You should read these papers carefully and discuss them with your attorney, if you have one in this bankruptcy case. (If you do not have an attorney, you may wish to consult one.)

If you do not want the court to grant the motion, or if you want the court to consider your views on the motion, then on or before **September 4, 2020**, you or your attorney must file with the court a written response explaining your position at:

U.S Bankruptcy Court
Clerk's Office
Ralph Regula Federal Building and US Courthouse
401 McKinley Ave., SW
Canton, OH 44702

If you mail your response to the court for filing, you must mail it early enough so the court will receive it on or before the date stated above.

You must also send a copy to:

Rebecca K. Hockenberry, Esq.
Thompson & Hockenberry Co. LPA
371 Lexington Avenue
Mansfield, OH 44907

Josiah L. Mason
153 W Main Street
Ashland, OH 44805-2219

Office of the U.S. Trustee
201 Superior Avenue East, Ste. 441
Cleveland, OH 44114

If you or your attorney do not take these steps, the court may decide that you do not oppose the relief sought in the motion or objection and may enter an order granting that relief.

NOTICE OF HEARING

Now comes Debtor Christy J. Keener, by and through counsel, and respectfully notice that the Hearing on the Amended Motion to Vacate Discharge Order will be held on Monday, September 14, 2020, at 3:00 p.m. in the United States Bankruptcy Court, Ralph Regula US Courthouse, 401 McKinley Avenue SW, Canton, Ohio 44702.

CERTIFICATE OF SERVICE

I hereby certify that on August 21, 2020 a copy of the foregoing AMENDED MOTION TO VACATE DISCHARGE ORDER was served:

Via the court's Electronic Case Filing System on these entities and individuals who are listed on the court's Electronic Mail Notice List:

- **Josiah L. Mason** jlmasontrustee@joemasonlaw.com, oh23@ecfcbis.com
- **Josiah L. Mason** jlmasontrustee@zoominternet.net, oh23@ecfcbis.com
- **United States Trustee** (Registered address)@usdoj.gov

And by regular U.S. mail, postage prepaid, on:

Americredit Financial Services, Inc.
Dba GM Financial
PO Box 183853
Arlington, TX 76096

PRA Receivables Management, LLC
PO Box 41021
Norfolk, VA 23541

/s/ Rebecca K. Hockenberry
Rebecca K. Hockenberry (0074930)
Thompson & Hockenberry Co. LPA
371 Lexington Avenue
Mansfield, Ohio 44907
(419) 522-5297
(614) 737-9945 facsimile
rebecca@attyh.com